

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7641 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

GUJ STATE ROAD TRANSPORT CORPN

Versus

STATE TRANSPORT WORKERS UNION

Appearance:

1. Special Civil Application No. 7641 of 1988
MR HARDIK C RAWAL for Petitioner
NOTICE SERVED for Respondent No. 1, 2

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 23/09/1999

ORAL JUDGEMENT

1. Learned advocate Mr. Raval is appearing for the petitioner corporation. Though, the respondent Union has been served nobody has appeared on behalf of the respondent. The facts of the present case in short are as under :-

The respondent, while working as a conductor in a Bus from Kadi to Radhanpur on 16th November, 1982 was having some luggage ticket with him but the same was not used and was found to have been lost and therefore, he was served with a chargesheet on 16.12.1982, which was replied by him and thereafter, regular departmental inquiry was initiated against him. According to the corporation the respondent was found to be negligent in performance of his duties. After completion of the departmental inquiry the corporation imposed punishment of recovery of Rs. 1263. 60 ps. due to loss of luggage block. Said order of punishment was challenged by the respondent workman by raising Industrial Dispute before the Industrial Ahmedabad by filing reference (I.T.) No. 91/87. The Tribunal has considered the evidence on record and papers of inquiry and came to the conclusion that in departmental inquiry, the reporter has not been examined but the workman was examined and the workman has admitted that the luggage was lost somewhere as he could not fix it properly. The Tribunal found that it was not misused but the fact was that it was lost and therefore, punishment of stoppage of increments of two months was not a very harsh order. The Tribunal however, observed that the respondent was not at serious fault and therefore, tribunal set aside the order of withholding of his increments for the period of two months. The Tribunal also set aside the order of recovery under its award dated 27.4.1988. Feeling aggrieved by the said award the petitioner corporation has filed the present petition before this court challenging the said award. This Court while admitting this petition has not granted any interim relief.

2. I have perused the entire award. I have also considered the reasons given by the Tribunal. Looking to the meagre amount of recovery, the Tribunal has granted the benefit under the impugned award. The Tribunal has passed the award with due application of mind and I do not see any infirmity in the impugned award. The petition is required to be dismissed. Same is accordingly dismissed. Rule is discharge. No cost.

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